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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,635	08/29/2001	Nader Asghari-Kamrani		5599
7590	06/20/2006		EXAMINER	
NADER ASGHARI-KAMRANI 6558 PALISADES DRIVE CENTERVILLE, VA 20121			NOBAHAR, ABDULHAKIM	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/940,635	ASGHARI-KAMRANI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Abdulhakim Nobahar	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Response to Arguments***

1. This communication is in response to applicants' response received on April 06, 2006.
2. Claims 1 and 5 are amended.
3. Claims 6 and 7 are newly added
4. Applicant's arguments with respect to the rejections of claims 1-5 under 35 USC § 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al [2002/0188481 A1; hereinafter Berg].**

1. Regarding claim 1, Berg discloses a method for identifying an individual over a communication network (see, for example, abstract) comprising:
  - a User that needs to be identified in e-commerce (see, for example, [0011]);
  - a Central-Entity that provides digital identity to the Users to positively identify themselves in e-commerce (see, for example, [0007]; [0015]; [0017], where the JV Authority corresponds to the recited central-entity that assigns to the user an unique identifier);
  - an external-entity offering goods or services and needs to authenticate the users in e-commerce (see, for example, [0027]; [0032]; [0034]);
  - a communication network for the User, the central-entity and the external-entity to send and receive information between each other (see, for example, [0051]).  
whereby the External-Entity may forward digital identity received from a User to the Central-Entity for authentication (see, for example, [0007]; [0067]-[0068]).  
wherein the User does not require use of software received from the Central-Entity or a personal identity card to employ digital identity (see, for example, [0027]; [0051]; [0067]-[0068]).
2. Regarding claim 2, Berg discloses a digital identity includes SecureCode and other information such as UserName (see, for example, [0037]).

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3. Regarding claim 3, Berg discloses that the SecureCode is a dynamic, non-predictable and time dependent alphanumeric code, secret code, PIN or other code (see, for example, [0040]; [0041]; [0064]).

4. Regarding claim 4, Berg discloses a communication network includes Internet, wireless and private networks (see, for example, [0010]; [0034]; [0063]).

5. Regarding claim 5, this claim is rejected as applied to the like elements of claims 1-4 as stated above and further the following:

Berg discloses a system and a method for identifying an individual (see, for example, abstract) comprising the steps:

The user registers at the Central-Entity (see, for example, [0063]);

The user provides his personal and/or financial information to the Central-Entity (see, for example, [006]; [0055]; [0063]);

The user receives his unique UserName and Password from the Central-Entity (see, for example, [0018]; [0063]);

The user attempts to get access to a restricted web site or to buy goods and/or services from an External-Entity (see, for example, [0011]; [0018]; [0051]);

The user submits his SecureCode as part of the digital identity in response to External-Entity's request (see, for example, [0007]; [0011]; [0018]; [0051]);

The External-Entity forwards the user's digital identity along with the identification and authentication request to the Central-Entity over a communication network (see, for example, [0007]; [0065]; [0067]-[0068]);

The Central-Entity retrieves the user's digital identity including the SecureCode from the system (see, for example, [0015]; [0054]-[0055]);

The Central-Entity compares the retrieved users digital identity with the digital identity received from the External-Entity (see, for example, [0011]; [0015]; [0051]; [0064]-[0065]);

The Central-Entity sends approval identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity, matches the users digital identity retrieved from the system (see, for example, [0065]; [0067]-[0068]);

The Central-Entity sends a denial identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity does not match the users digital identity retrieved from the system (see, for example, [0067]-[0068]).

6. Regarding claims 6 and 7, Berg discloses that the Central-Entity corresponds to a Bank or other financial institution, and the User receives the digital identity from the Bank or other financial institution (see, for example, [0006]-[0007]; [0063]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Pub. Application No. 2004/0243478 A1 to Walker et al.

US Patent Pub. Application No. 2002/0029337 A1 to Sudia et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulhakim Nobahar  
Examiner  
Art Unit 2132

June 14, 2006

*Gilberto Barron Jr.*  
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